

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DAVID H. KNIGHT,)	CIVIL ACTION
Plaintiff)	
)	NO. 03-410 ERIE
v.)	
)	
BUILDING MATERIALS CORPORATION)	
OF AMERICA d/b/a GAF MATERIALS)	
CORPORATION and/or BUILDING)	
MATERIALS MANUFACTURING)	
CORPORATION and JOE RINDERLE,)	
Defendants)	

**DEFENDANTS' MOTION FOR LEAVE TO
FILE A BRIEF IN EXCESS OF 25 PAGES**

Defendants BUILDING MATERIALS CORPORATION OF AMERICA d/b/a GAF MATERIALS CORPORATION and/or BUILDING MATERIALS MANUFACTURING CORPORATION and JOE RINDERLE, by their attorneys, MacDonald, Illig, Jones & Britton LLP, file this Motion for Leave to File a Brief in Excess of 25 Pages:

1. This civil action involves the following claims by plaintiff David H. Knight (hereinafter "Knight") against defendants Building Materials Corporation of America d/b/a GAF Materials Corporation and/or Building Materials Manufacturing Corporation (hereinafter "GAF Materials") and Joe Rinderle (hereinafter "Rinderle"), all based upon alleged racial discriminatory practices:

- (1) Count I (Civil Rights), alleging impairment of the right to make and enforce contracts in violation of 42 U.S.C. § 1981 (hereinafter "§ 1981");
- (2) Count II (Employment Discrimination), alleging race discrimination in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.* (hereinafter "Title VII"); and
- (3) Count III (Employment Discrimination), alleging race discrimination in violation of the Pennsylvania Human Relations Act, 43 P.S. § 951, *et seq.* (hereinafter "PHRA").

(Second Amended Complaint, ¶¶ 1-30).

2. By Order of Court dated May 11, 2005, this Honorable Court revised the pretrial schedule in this civil action, including the date for the filing of Dispositive Motions, and also directed that Briefs in Support of Dispositive Motions should not exceed 25 pages in length except by leave of Court. (Order of Court dated 5/11/05).

3. Defendant GAF Materials intends to file a Motion for Summary Judgment with respect to the claims under § 1981, Title VII, and the PHRA set forth by plaintiff Knight in his Second Amended Complaint.

4. This case involves an extensive pretrial record and numerous legal issues that will need to be addressed in order to resolve the Motion for Summary Judgment.

5. In order to fully and properly present the facts contained in the summary judgment record, as well as its defenses and legal arguments in support of the Motion for Summary Judgment, defendant GAF Materials seeks leave to file a Brief in Support of Motion for Summary Judgment that will exceed 25 pages in length.

WHEREFORE, defendants Building Materials Corporation of America d/b/a GAF Materials Corporation and/or Building Materials Manufacturing Corporation and Joe Rinderle respectfully request this Honorable Court to enter an Order granting defendants Building Materials Corporation of America d/b/a GAF Materials Corporation and/or Building Materials Manufacturing Corporation and Joe Rinderle leave to file a Brief in Support of Defendants' Motion for Summary Judgment in excess of 25 pages in length.

CERTIFICATE OF SERVICE

I hereby certify that a copy of this document was served upon all other parties appearing of record by First-Class United States Mail sent on July 13, 2005.

s/ Walter E. "Stormy" Deacon III

Respectfully submitted,

s/ Walter E. "Stormy" Deacon III

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